

February 5, 2009

Received & Inspected

FEB - 6 2009

FCC Mail Room

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: Request for Wavier

CC Docket No. 02-6

Contact:

Janice Meyers
Letter of Agency for Leake and Watts Service, Inc.
Janice Meyers Educational Consulting
62 Livingston Ave.
Dobbs Ferry, NY 10522
914-715-2466 phone
914-231-6396 fax

I am asking for a waiver to allow the late filed Form 486 application number 511769 to be accepted as timely filed.

As you can read below I have made numerous attempts on behalf of Leake and Watts Services, Inc. to receive the funding awarded that to them by your Memo faxed to 914-693-7048, dated November 12, 2008, and faxed and received on November 24, 2008 (DA 08-23878 Release October 30, 2008).

As sited below Janice Meyers resigned from Leake and Watts Services, Inc on February 14, 2008

Because of USAC regulations dictate that contact change can only be made after the FDCL (see below) Leake and Watts services was unable to enact a change of contact for FRN's 1438754, 1438781, and 1451648.

**From the SLD website www.sl.universalservice.org
Contact Information Changes**

Applicants can now make changes to certain Block 1 contact information of most USAC forms post-commitment (that is, after a Funding Commitment Decision Letter has been issued for their *Services Ordered and Certification Form* (Form 471)).

No. of Copies rec'd 0
List ABCDE

Leake and Watts Services, Inc did not receive the RFDCI of 5/12/2008, the late 486 letter of 9/15/2008, or the 12/10/2008 Administrators Decision on FCC Remand- Funding Year 2006-2007 letter.

This has resulted in the denial of for FRN 1438754, 1438781, and 1451648.

It should be noted that we did receive the fax communication from the FCC.

We site the following:

The Alaska Gateway Order of September 14, 2006 states that "in each case we find that good cause exists to waive USAC's deadline for the FCC Form 486 filed with USAC "

"The Commission may waive any provision of its rules on its own motion and for good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

"In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule."

"the late filings were the result of immaterial clerical, ministerial or procedural errors, or that the late filings were due to circumstances beyond their control."

Leake and Watts Services, Inc is asking the FCC waive the late filed form 486 in light of the special circumstances listed above. The non delivered mail was beyond our control. We acted in a timely manner for every delivered correspondence from the FCC.

Documentation

The documentation below outlines the history of this attempt to receive funding.

The service provider for FRN 1438754, 1438781, and 1451648 never received

The FDCL of May 12, 2008

RE: Leake and Watts Services FDCL

From: **Wong, Amy** (AmWong@BroadViewNet.com)

Sent: Thu 1/29/09 11:26 AM

To: Janice Meyers (meyersjanice@hotmail.com)

1 attachment(s)

Leake & W...pdf (1266.1 KB)
FCDL is attached.



From: Janice Meyers [mailto:meyersjanice@hotmail.com]
Sent: Thursday, January 29, 2009 11:19 AM
To: Wong, Amy
Subject: RE: Leake and Watts Services FDCL

Amy,
Could you email it to me?

Janice

Subject: RE: Leake and Watts Services FDCL
Date: Thu, 29 Jan 2009 10:59:03 -0500
From: AmWong@BroadViewNet.com
To: meyersjanice@hotmail.com; tdewar@leakeandwatts.org;
omatos@leakeandwatts.org

Hi Janice:

I just listened to your voice message. I did not receive a copy of their FCDL dated May 12, 2008. I only have the FCDL dated 12/10/2008.

Amy

From: Janice Meyers [mailto:meyersjanice@hotmail.com]
Sent: Thursday, January 29, 2009 10:02 AM
To: Wong, Amy; Tom Dewar; Omyra Matos
Subject: Leake and Watts Services FDCL

Amy,
Did you get a copy of a revised Funding Commitment Decision Letter for 11118 Leake and Watts Services date may 12, 2008? Application 522053
Janice Meyers
914-715-2466

Email from SLD Ombudsman

From: Paul Stankus
Sent: Wednesday, February 04, 2009 12:55 PM
To: 'Janice Meyers'
Cc: Robert Spiller
Subject: RE: Case #21-820879

Dear Ms. Meyers,

Thank you for your inquiry to the ombudsman office. I investigated your issue and was able to determine the following.

Prior to the receipt of the FCC Remand, Application 522053 did receive a Revised Funding Commitment Decision Letter (RFCDL) on 5/12/2008. This letter was mailed to the address on record for the applicant. You were the named contact person on that letter. I confirmed with Client Operations that the letters did not come back to us, and that the address currently in Google for this applicant is the address the letters were sent to. A late 486 letter was sent on 9/15/2008 to the same address. The Form 486 would have been due back to us by Monday, October 6, 2008 or the 486 is late. The Form 486 was received and certified on 12/18/2008—which is two months after the deadline. Therefore, the service start date was reset back to 120 days prior to the date of the filing of the Form 486, or 8/20/2008. All Recurring services FRNs on this application have a service start date after the last date to receive service, and are currently unable to disburse funds. Only non-recurring charges, billed between 8/20/2008 to 9/30/2008 would be allowed to be paid at this time.

With regards to the FCC remand that came out on October 30, 2008, our records indicate that the applicant was sent a dismissal letter, as the appeal had already been adjudicated and the FCC remand had been rendered moot. As much as I tried to come up with a mechanism to use the FCC remand to restart the clock, I was unable to do so, under the rules of the program. Therefore, unfortunately, you will have to request a waiver from the FCC to allow the late-filed Form 486 be accepted as timely filed. Only then can the service start date be reset in our systems for you to receive the funds.

I wish you luck in filing your waiver request.

Sincerely,

Paul Stankus

Paul Stankus, PMP

Ombudsman Program Manager

USAC

2000 L St. NW Suite 200

Washington, DC 20036

Phone:(202) 776-0200 x1618

Fax: (202) 776-0080

email: pstankus@usac.org

From: Janice Meyers [mailto:meayersjanice@hotmail.com]

Sent: Monday, February 02, 2009 12:33 PM

To: Paul Stankus

Subject: Case #21-820879

Importance: High

Paul,

I am reaching out to you because the Client Service Bureau said I should.

Please see the attached documentation.

We filed an appeal with USAC that was denied for FRN 1438754, 1438981, and 1451648

I filed an appeal with the FCC (attached).

I resigned my position at Leake and Watts Services in February 15, 2008.

When the CIO of Leake and Watts receive the fax (see attached) from the FCC granting our appeal he called me and he signed a LOA agreement on December 1, 2008.

On December 2, 2008 I check the data retrieval tool on the SLD website and found that the FRN's were funded with a Wave appeal (see attached). I had no way to determine the funding date of the wave appeal. I thought that the SLD just approved the FRN's based on the FCC memo granting the appeal

I filed a 486. When I tried to file a BEAR I couldn't because it said the FRN's were not funded.

I called the SLD case # 21-819559 and was told to wait for the 486 notification letter which indicated the 120 deadline

When I got the letter I called the SLD -case # 21-820879 and found out that the FRN's were funded on May 12, 2008.

Leake and Watts never received the FDCL. I got a duplicate of the letter (see attached).

All of the Letter of Agency letters were sent to my business address at 62 Livingston Ave., Dobbs Ferry, NY 10522 and were received.

When I asked the CSB why I did not receive a notice that the 486 deadline was about to expire they told me I was in the FDCL of May 12, 2008. I told them Leake and Watts never receive the FDCL.

What can we do?

Please contact me ASAP on this as the school has been waiting for 3 years to receive funding.

Janice Meyers

Janice Meyers Educational Consulting

62 Livingston Ave.

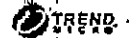
Dobbs Ferry, NY 10522

914-715-2466

914-231-6396 fax

www.jhmedu.com

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Sent: Thu 1/29/09 11:26 AM
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Attachments: Leake & Watts FCDL 12.10.08.pdf (1266.1 KB)



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Janice Meyers
914-715-2466

Date: 02/02/2009
Professional Education Resources Inc.
P.O. Box 25512
Little Rock, AR 72221-5512
Contact Name: Joe Selby
Phone Number: (501) 350-1858
Debtor FCC Registration Number: 0009524448
Bill Number: 07US003228
Amount: \$35043.60
USAC Spin Number: 143027147

DOCKET FILE COPY: ORIGINAL
DOC 02-6

FILED/ACCEPTED

FEB - 9 2009

Federal Communications Commission
Office of the Secretary

The above debt is the result of a disputed USAC Invoice from 2006 for Network Maintenance for a school district in Oklahoma. The process in place at the time was a customer would file said USAC form 470 for services for the 2005-2006 School Year with contract dates beginning **no sooner than July 1, 2005 and ending June 30, 2006**. The district's consultant filed said paperwork and the bidding process was started using guidelines established by USAC. Our company placed the bid utilizing procedures established by USAC and when the next form (form 471 application number 444755 with FRN (funding request number) 1286465) was filed by the district's consultant on Feb. 13, 2005. Our company was chosen as vendor of choice with a bid of 38k and a discount of 87 percent with a total of \$33060 to USAC and the remainder being paid by the district as per USAC guidelines.

The FCDL (funding commitment decision letter) for Form 471 and FRN 1286465 was sent by USAC to customer/consultant and our company on **04/27/2006**. The next step under USAC guidelines, (which our company followed) is to contact the customer which in this case is the consultant and begin work on the contract. We assembled a team immediately which is an important issue in all of this and the customer/consultant filed the next piece of paperwork, the **USAC Form 486 (states from customer to USAC that work has begun on the contract)**. Upon receiving the certified copy of the form 486 the next step under USAC guidelines is to bill USAC, which is what we did. It was after we had billed USAC, and after flying to Oklahoma, that the customer indicated there was a problem. I had told the administrator that someone, either the district or the paid consultant, had filed the forms agreeing that work had begun and that our company was now out over 8k in operating costs which included the flights to the district and many hours in Dallas, OKC, and Little Rock and technically, the contract ended on June 30, 2006, but that our company would extend beyond those dates since the FCDL came out so late. This process was corrected the following year in April of 2007 with the Form 500 which allowed contract dates to be extended and as explained in the next paragraph with the moving of Maintenance to a Recurring charge.

This was a situation that we as a vendor did not create. We followed guidelines from A to Z, and have obviously been found guilty by USAC and the FCC without ever getting to tell our side. We feel the situation was unfortunate. But we do not feel we were at fault. We also feel USAC solved some of the issues at hand in this particular situation by moving the Basic Maintenance of Internal Connections from a Non-Recurring Charge to a Recurring Charge so all maintenance contracts would begin each year on July 1 of that funding year and end on June 30th allowing the customer to make the decision if they really needed the maintenance contract and therefore file a BEAR Form for reimbursement after the FCDL was issued. Had that been in place the year of this dispute, this would not be taking place today.

In closing, we feel we followed the guidelines and the USAC paper trail, PIA Reviews, and Invoicing Guidelines were followed. We ask for relief in this dispute.

Sincerely,

Joe Selby

No. of Copies rec'd _____
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